

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 27, 2020

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Hermino Garcia Rojas Case Number: 0980 2:10CR02120-MKD-1

Address of Offender: Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Mary K. Dimke, U.S. Magistrate Judge

Date of Original Sentence: November 17, 2011

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence:	Prison - 120 months	Type of Supervision: Supervised Release
	TSR - 96 months	

Revocation Sentence: Prison - 12 months
January 15, 2019 TSR - 84 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: December 27, 2019

Defense Attorney: Paul Shelton Date Supervision Expires: December 26, 2026

PETITIONING THE COURT

To incorporate alleged violations with the violations previously reported to the Court on January 15, 28, and February 24, 2020.

The probation officer believes the offender has violated the following conditions of supervision:

Violation Number	Nature of Noncompliance
1	1. The company failed to maintain accurate records of all transactions, leading to discrepancies in the financial statements.
2	2. The company failed to disclose all related party transactions, which is a violation of the transparency requirements.
3	3. The company failed to implement adequate internal controls to prevent fraud and misappropriation of assets.
4	4. The company failed to comply with the requirements of the Sarbanes-Oxley Act, specifically regarding the certification of financial statements.
5	5. The company failed to provide timely and accurate information to investors and the public, leading to a loss of confidence.

9 **Special Condition #2:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rojas is alleged to have consumed methamphetamine and marijuana on or about February 24, 2020.

On January 2, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of special condition number 2, which requires him to abstain from using illegal controlled substances.

Re: Rojas, Hermino Garcia

February 27, 2020

Page 2

On February 26, 2020, this officer contacted Mr. Rojas at the Yakima County Jail. During the contact, Mr. Rojas admitted to consuming methamphetamine and marijuana on or about February 24, 2020. Mr. Rojas signed a drug use admission form admitting to consuming methamphetamine and marijuana.

- 10 **Special Condition #3:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Rojas is alleged to have consumed alcohol on or about February 24, 2020.

On January 2, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of special condition 3, which requires him to abstain from consuming alcohol.

On February 26, 2020, this officer contacted Mr. Rojas at the Yakima County Jail. During the contact, Mr. Rojas admitted to consuming alcohol on or about February 24, 2020. Mr. Rojas signed a drug use admission form admitting to consuming alcohol.

- 11 **Standard Condition #8:** You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

Supporting Evidence: Mr. Rojas is alleged to have interacted with Amanda L. Clark, a known felon, on February 26, 2020.

On January 2, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of standard condition 8, which requires him to not communicate or interact with someone who has been convicted of a felony.

On February 14, 2020, this officer informed Mr. Rojas he may not associate with Amanda L. Clark. This officer showed Mr. Rojas a photo of Ms. Clark and informed Mr. Rojas that she had an active warrant. Mr. Rojas acknowledged he knows who Ms. Clark is, and understood he was not allowed to associate with her.

On February 26, 2020, Mr. Rojas and Amanda L. Clark were arrested together at Ms. Clark's residence, 408 South 4th Street, Apartment B, in Yakima, Washington. Mr. Rojas did not have permission to be with Ms. Clark.

Re: Rojas, Hermino Garcia

February 27, 2020

Page 3

The U.S. Probation Office respectfully recommends the Court incorporate the alleged violations with violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 27, 2020

s/Phil Casey

Phil Casey
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

m. k. Dimke



Signature of Judicial Officer
2/27/2020

Date